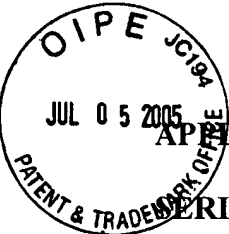


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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



APPLICANT(S): Mangipudi et al.

EXAMINER: Larry D. Donaghue

SERIAL NO.: 10/782,280

ART UNIT: 2154

FILED: February 19, 2004

CONFIRM. NO.: 4251

FOR: METHOD AND APPARATUS FOR POLICY BASED CLASS OF SERVICE
AND ADAPTIVE SERVICE LEVEL MANAGEMENT WITHIN THE CONTEXT OF
AN INTERNET AND INTRANET

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Amendment: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

By:

Kanya Bellas

Date

6/30/05

MAIL STOP AMENDMENT
Commissioner for Patents
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Alexandria, VA 22313-1450

TERMINAL DISCLAIMER

Sir:

Network Appliance, Inc., assignee of the entire right, title and interest in and to the above-referenced patent application (by virtue of an assignment filed previously), hereby disclaims the term of any patent issued in the instant application which would extend beyond the expiration date of the full statutory term of United States Patent No. 6,728,748 and agrees that any patent granted on the present application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to the aforesaid Patent No. 6,728,748 which formed the basis for a non-statutory-type double patenting rejection, this agreement to run with any patent granted on the present application and to be binding upon the grantee, its successors or assigns.

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No disclaimer is made of any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of any patent granted on the aforesaid United States Patent 6,728,748 in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term except for the separation of legal title stated above.

The undersigned, an attorney of record in this application, is empowered to act on behalf of the assignee pursuant to 37 C.F.R. 1.321(a).

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 8 of the United States Code, and that such willful false statement may jeopardize the validity of the application or any patent issuing thereon.

Charge Deposit Account No. 50-0369 in the sum of \$130.00 pursuant to 37 C.F.R. 1.20(d) for filing this Terminal Disclaimer and for any fee deficiency required by this paper.

Date: 6-30-05

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